

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICIA TURNER

vs.

LIBERTY INSURANCE CORPORATION
AND AIMEE MAXWELL

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Civil Action No. _____
(JURY)

NOTICE OF REMOVAL

Defendants Liberty Insurance Corporation and Aimee Maxwell timely file this Notice of Removal pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1332(a), and 28 U.S.C. §1446(b), removing this action from the 129th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division and in support thereof show as follows:

A. Introduction

1. Plaintiff commenced this lawsuit against Defendants in the 125th Judicial District Court of Harris County, Texas on, or about, August 10, 2016. A true and correct copy of the Original Petition along with documents reflecting service are attached hereto as Exhibit “A.” Plaintiff served the Original Petition on Defendant Liberty Insurance Corporation through its registered agent on August 22, 2016. Plaintiff served Defendant Maxwell via US mail sometime after August 15, 2016.

2. Defendants are filing this Notice of Removal within 30 days of its first receipt of Plaintiffs’ Original Amended Petition as required by 28 U.S.C. § 1446(b).

3. Plaintiff seeks to recover damages in this lawsuit based on allegations of breach of contract, violations of the Texas Insurance Code and the Texas DTPA, breach of the duty of good faith and fair dealing, negligence and fraud resulting from the alleged conduct of Defendants. Plaintiff's claims against Defendants arise under a homeowner's policy of insurance issued by Liberty Insurance Corporation. Plaintiff alleges her property was damaged in a storm occurring on, or about, August 11, 2015. She further alleges that she was not paid by the Defendants sufficiently to compensate her for the losses from the August 11, 2015 storm.

B. Jurisdiction & Removal

5. This Court has jurisdiction in the case pursuant to 28 U.S.C. §1332, in that there is complete diversity of citizenship between the parties. Accordingly, statutory authority for the removal of this matter is conferred by 28 U.S.C. §§ 1441 and 1446.

6. Plaintiff is a citizen of the State of Texas. Liberty Insurance Corporation is a corporation organized under the laws of the State of Massachusetts with its principal place of business located in Boston. Aimee Maxwell is a citizen of the State of Indiana.

7. Plaintiffs' Petition states they are seeking monetary relief of no less than between \$100,000.00 and \$200,000.00. Therefore, the amount in controversy exceeds \$75,000.00.

8. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.

9. Contemporaneous with the filing of this Notice of Removal, Defendant is filing a Notice of Filing Notice of Removal with the Clerk of Court for the 125th Judicial District Court of Harris County, Texas pursuant to 28 U.S.C. § 1446(d).

10. Attached hereto are all documents required by LR 81, USDC/SDTX Local Rules and 28 U.S.C. § 1446(a).

11. Defendant demanded a jury in the state court action. Defendant also requests a trial by jury pursuant to Rule 81(c)(3)(A), Federal Rules of Civil Procedure and LR 38.1, USDC/SDTX Local Rules.

12. All fees required by law in connection with this Notice have been tendered and paid by Defendant.

WHEREFORE, General Insurance Company of America hereby removes the above-captioned matter now pending in the 125th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

SHEEHY, WARE & PAPPAS, P.C.

By: /s/ J. Mark Kressenberg
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**ATTORNEYS FOR THE DEFENDANTS
LIBERTY INSURANCE CORPORATION
AND AIMEE MAXWELL**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing instrument has been forwarded via e-filing in accordance with the Federal Rules of Civil Procedure on this the 7th day of September, 2016, to the following counsel of record:

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/s/ J. Mark Kressenberg

J. Mark Kressenberg

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